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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,114	06/29/2006	Rolf Leuenberger	030705-184	5286

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BUCHANAN, INGERSOLL & ROONEY PC  
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EXAMINER
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STAFIRA, MICHAEL PATRICK

ART UNIT	PAPER NUMBER
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2886

NOTIFICATION DATE	DELIVERY MODE
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08/20/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,114	<b>Applicant(s)</b> LEUENBERGER, ROLF	
	<b>Examiner</b> /Michael P. Stafira/	<b>Art Unit</b> 2886	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/29/2006; 4/28/2005</u> .                                    | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Switzerland on November 6, 2002. It is noted, however, that applicant has not filed a certified copy of the Switzerland application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/06823 (For rejection and translation examiner is going to use U.S. Patent 6,501,086).

### **Claim 1**

Leuenberger ('086) discloses wherein two parameters are selected for the evaluation, that a classifying matrix is (See Abstract) created in which values of the parameters determine class limits, and class limits divide the classifying matrix into fields (See Fig. 1), that the classifying matrix is further divided into at least two areas and a mean value is established for pixels from the flawless fabric for one parameter (Col. 2, lines 56-69), and a limit between two areas is established in accordance with a group of pixels with the greatest deviation of the parameter from the mean value, that further wherein the division takes place into at least two areas along

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the class limits, that values in the fabric are recorded from pixels which represent this, and the values are arranged according to the two selected parameters in the classifying matrix, and that wherein pixels which are arranged in one area of the classifying matrix indicate a possible defect in the fabric (Col. 3, lines 23-51).

#### **Claim 2**

Leuenberger ('086) discloses the intensity of the pixels and the extent thereof are recorded as parameters, and wherein the extent is effected by a plurality of adjacent pixels (Col. 4, lines 19-27).

#### **Claim 3**

Leuenberger ('086) the length is measured as extent, this being formed by a plurality of adjacent pixels of an intensity which is similar, yet deviates from a reference value (Col. 4, lines 22-27).

#### **Claim 4**

Leuenberger ('086) further discloses the area for possible defects is further divided into a first area for admissible defects and a second area for inadmissible defects (Col. 19-27).

#### **Claim 5**

Leuenberger ('086) further discloses the limit between the two areas is automatically determined (Col. 4, lines 29-39).

#### **Claim 6**

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Leuenberger ('086) the automatic determination of the upper limit is carried out by means of brightness or intensity values which are recorded and arranged according to magnitude, wherein a value which lies in a group formed by a predeterminable number of the most extreme values is established as the upper limit (Col. 4, lines 33-39).

**Claim 7**

Leuenberger ('086) the median value of the brightness or intensity values is determined as the upper limiting value within the group (Col. 4, lines 46-50).

**Claim 8**

Leuenberger ('086) the upper limit for a value range of one parameter is varied (Col. 4, lines 56-66).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Michael P. Stafira/ whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael P. Stafira/  
Primary Examiner  
Art Unit 2886

August 17, 2008